

REMARKS/ARGUMENTS

Applicant thanks the Examiner for the care and time taken in considering the above-referenced patent application and claims. Claim 1 has been amended to more accurately reflect a preferred embodiment of the invention and emphasize those features of Applicant's invention which are believed to be novel over the cited art. No new matter is added by the claim amendments, since the specification and accompanying claims as originally filed support the structural features and functioning of the dovetail and cooperation thereof with other claimed elements. Since the Examiner has allowed claims 9-20 in the last Office Action of record, Applicant will not address the same herein.

The Examiner has rejected claims 6 and 7 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully traverses this rejection.

As noted in the Office Action of record, the Examiner would allow claims 6 and 7 if claim 1 is rewritten to conform to the requirements of 35 U.S.C. 112, second paragraph (i.e., positively recite a dovetail in claim 1). Accordingly, Applicant has duly considered the Examiner's suggestion and recommendation and has amended claim 1 to positively recite the dovetail therein to better illustrate its relation to and cooperation with other components comprising the present invention. Applicant respectfully solicits the Examiner's reconsideration of the amended claims.

The Examiner has rejected claims 1, 2, 4 and 8 under 35 U.S.C. 102(b) as being anticipated by Paddock et al. (US Pat. No. 6,030,130). Applicant respectfully traverses this rejection.

As indicated in the Office Action of record, the Examiner has allowed claims 9-20 and would allow claims 6 and 7 if rewritten to conform to 35 U.S.C. 112, second paragraph, primarily due to the present status of the art. As stated therein, the prior art fails to disclose or teach aspects of dovetail attachment means, as positively recited in claims 6. Accordingly, Applicant has amended claim 1 to include all claim limitations recited in claim

Serial No: 09/643,376

6 and respectfully requested cancellation of claim 6. Because of the present status of the art and the allowable subject matter contained and recited in claim 6, Applicant believes that claim 1 is novel over the cited art of record in that it now includes components comprising dovetail attachment means. As noted in claim 1, as amended, dovetail attachment means comprises a pivoting stem formed in a cylindrical configuration at one end, which is fixedly attached to the second pivoting end, and a second end having a geometric configuration corresponding to the geometric configuration of the dovetail and a threaded aperture extending therethrough for passage of a thumb screw. As firmly noted in the Office Action of record, Paddock teaches the use of parallel arms operating in unison and being operatively attached to one another by attachment links (20, 22), which more or less suffice for the pivoting ends in the present invention; means for adaptably receiving a dovetail; and means for attaching a pivoting end to a tooling machine. Because Paddock fails to teach or suggest the use of a pivoting stem adaptably configured to receive a dovetail of the type used and claimed in the present invention, Applicant now believes that claim 1, as amended, is novel over the cited reference along with claims 2, 4 and 8 which depend therefrom. Applicant respectfully solicits the Examiner's reconsideration of claims 1, 2, 4 and 8.

The Examiner has rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over Paddock as applied to claim 1 and further in view of Sharber et al. (US Pat. No. 4,953,822). Additionally, the Examiner has rejected claim 5 under 35 U.S.C. 103(a) as being unpatentable over Paddock as applied to claim 1 and further in view of Spencer et al. (US Pat. No. 5,481,986). Applicant respectfully traverses these rejections.

As indicated hereinbefore, claim 1 has been amended to better define the present invention over the cited art of record. Because the cited references fail to teach or suggest the use of a pivoting stem as primary means to hold and stabilize the dovetail during use thereof, Applicant now believes that claims 3 and 5 are novel and patentably distinct over the cited art, particularly in consideration of claim 1, as amended. Reconsideration of claims 3 and 5 is respectfully requested in light of claim 1, as amended.

VERSION WITH MARKINGS TO SHOW CHANGES MADE

Applicant makes note that the following claims were amended in accordance with procedures adopted and used by the Office prior to the new requirements set forth in 37 C.F.R. §1.121 (i.e., brackets denote deletions and underlined entries show additions).

IN THE CLAIMS

Please cancel claim 6 as originally filed and amend claim 1 as follows:

1. (Once Amended) An apparatus for supporting a dial test indicator in a tooling machine, said apparatus comprising:

at least a pair of pivoting arms being positioned parallel to one another for unison operation; each of said pivoting arms including a distal end and a proximal end, with each of said ends including an aperture extending therethrough;

first and second pivoting ends, each having at least a pair of pivoting flanges projecting therefrom, each of said pivoting flanges having an aperture extending therethrough alignable with said apertures of said proximal and distal ends, respectively and;

means for pivotally attaching said pivoting flanges of said first and second pivoting ends with that of said distal and proximal ends of said pivoting arms;

means for attaching said first pivoting end to a tooling machine; and

a dovetail having means for pivotal attachment [of a dovetail] to said second pivoting end, said dovetail attachment means comprising a pivoting stem formed in a cylindrical configuration at one end being fixedly attached to said second pivoting end and a second end having a geometric configuration corresponding to the geometric configuration of said dovetail and a threaded aperture extending therethrough for passage of a thumb screw.

Serial No: 09/643,376

CONCLUSION

As reflected in the Office Action of record, the present invention comprises aspects of novelty, most relating to dovetail attachment means, insofar to constitute allowable subject matter. Accordingly, Applicant has amended independent claim 1 to include aspects of dovetail attachment means in anticipation of better defining Applicant's invention over the cited references of record, and believes that claim 1, as amended, as well as those that depend therefrom are novel over the art to the extent of constituting patentable subject matter. Favorable reconsideration of this application, as amended, is respectfully requested.

Respectfully submitted,

Dated this 27th day of February 2002.



Michael A. Mochinski
USPTO Reg. No. 42,900
3300 Bass Lake Road, Suite 514
Brooklyn Center, Minnesota 55429
Telephone: (763) 585-0283

Enclosures: Petition for Extension of Time
Return Receipt Acknowledgement
Check (\$460.00)